HONORABLE RONALD B. LEIGHTON

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

CERNER MIDDLE EAST LIMITED, a Cayman Islands Exempted Company, Plaintiff, v. BELBADI ENTERPRISES LLC, a U.A.E. limited liability company, and VANDEVCO LIMITED, a Washington corporation, Defendants.	NO. 3:16-CV-05706 RBL **DEFENDANTS' MOTION TO VACATE TEMPORARY RESTRAINING ORDER** Oral Argument Requested NOTED ON MOTION CALENDAR: Friday, September 16, 2016

Defendants Belbadi Enterprises LLC ("Belbadi") and Vandevco Limited ("Vandevco") make a limited appearance and respectfully request that the Court enter an order vacating the Temporary Restraining Order to Show Cause Why Preliminary Injunction Should Not Issue ("TRO"), issued by the Clark County Superior Court on July 20, 2016. Belbadi and Vandevco have filed, in conjunction with this Motion, an Opposition to Motion for Order of Contempt, which sets forth the facts and legal bases on which the TRO should be vacated. Belbadi and Vandevco incorporate the Opposition to Motion for Order of Contempt by reference and respectfully direct the Court to that Opposition.

In short, the TRO should be vacated for three reasons. First, the Court lacks personal jurisdiction over Defendant Belbadi, and cannot decide Plaintiff's claims against Defendant

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Vandevco without jurisdiction over Belbadi, an indispensable party. The TRO issued by the Clark County Superior Court was therefore a nullity. Second, Plaintiff failed to establish several key elements necessary for issuance of a temporary restraining order. Third, the Clark County Superior Court failed to make all findings necessary for issuance of a temporary restraining order. Accordingly, Defendants respectfully request that the Court enter an order vacating the TRO issued by the Clark County Superior Court.

DATED this 1st day of September, 2016.

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By s/ Gary I. Grenley

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CERTIFICATE OF SERVICE

I hereby certify that I caused the foregoing Defendants' Motion to Vacate Temporary Restraining Order to be served on the following:

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☒ by CM/ECF electronically mailed notice from the Court on the date set forth below.

And served on:

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☒ by email and by mailing via U.S. Mail true and correct copies thereof, postage prepaid to the above address on the date set forth below.

DATED this 1st day of September, 2016.

s/ Gary I. Grenley
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